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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **CLM – Main Dam – Pioneer Point Campground Water System**
Water System No. 1503206

TO: Debbie Campbell, Operations Manager
CLM-Main Dam – Pioneer Point Campground
P.O. Box 1640
Kernville, CA 93238

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503206
TOTAL COLIFORM MCL VIOLATION – November 2011
Citation No. 03-19-13C-010**

Issued on April 9, 2013

STATEMENT OF FACTS

CLM – Main Dam – Pioneer Point Campground Water System (hereinafter Water System) is classified as a transient noncommunity Water System and serves a transient population of approximately four hundred sixty eight (468) persons through sixteen (16) service connections. The Water System has one (1) active source of supply, Well 01 (PS Code: 1503206-001) and one 37,600 gallon storage tank. No treatment is currently provided to the well water. The Water System operates under the authority of domestic water supply permit No. 03-12-94P-017 issued on May, 18, 1994, by the California Department of Health Services (now California Department of Public Health).

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public

1 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
2 Water Act and regulations promulgated pursuant thereto.

- 3 • The Water System is required to collect one (1) routine bacteriological sample
4 per month. Please refer to the Water System's approved Bacteriological
5 Sample Siting Plan (BSSP) or Table 64423-A.
- 6 • One (1) routine bacteriological quality sample collected on November 7, 2011,
7 from the distribution system, tested positive for total coliform bacteria.
- 8 • All four (4) repeat bacteriological quality samples collected on November 8,
9 2011, from the distribution system, tested positive for total coliform bacteria.
- 10 • One (1) repeat sample (also counted towards the Ground Water Rule trigger
11 source sampling requirement) collected on November 8, 2011, from Well 01,
12 tested positive for total coliform bacteria.
- 13 • One (1) special sample collected from the storage tank on November 21, 2011,
14 tested negative for total coliform bacteria.
- 15 • Five (5) routine bacteriological quality samples collected on November 21,
16 2011, from the distribution system, tested negative for total coliform bacteria.
- 17 • One (1) repeat sample (also counted towards the Ground Water Rule trigger
18 source sampling requirement) collected on November 21, 2011, from Well 01,
19 tested negative for total coliform bacteria.
- 20 • None of the bacteriological quality samples collected in November 2011, from
21 the distribution system or the system well, tested positive for *E.coli* bacteria.
- 22 • **CLM – Main Dam Pioneer Point Water System failed the total coliform**
23 **maximum contaminant level (MCL) for November 2011 [Section**
24 **64426.1(b)(2), *Authorities*].**

- 1 • On November 10, 2011, Debbie Campbell, Operation Manager of the Water
2 System, notified the Department that the Water System failed the total coliform
3 MCL for November 2011.
- 4 • On December 7, 2011, a public notice and Proof of Notification were emailed
5 to the Water System for the November 2011 total coliform MCL failure.
- 6 • On December 14, 2011, the Department received signed and dated copies of
7 the public notice and Proof of Notification from the Water System. According
8 to these documents, public notification was completed on December 8, 2011.
- 9 • On December 7, 2011, an investigation report was emailed to the Water
10 System for the November 2011 total coliform MCL failure.
- 11 • Debbie Campbell from the Water System completed and submitted the
12 investigation report to the Department. According to the investigation report,
13 the cause of contamination may be stagnant conditions due to no campers on
14 site, resulting in very little or no water usage, and suggested more flushing
15 when collecting bacteriological quality samples. The Department recommends
16 that the Water System develop a flushing program to flush the well and
17 distribution system during low usage.
- 18 • The cause of contamination may be also Well 01 since the well tested positive
19 for total coliform bacteria on November 8, 2011. To clear bacteriological
20 contamination, the Water System disinfected and flushed Well 01 and
21 distribution system, and collected follow-up samples on November 21, 2011.
- 22 • The Water System provided emergency disinfection and flushing to clear
23 bacteriological contamination from the distribution system and system well.
- 24 • Five (5) routine samples collected on December 5, 2011, from the distribution
25 system, tested negative for total coliform bacteria.
- 26
- 27

- All routine distribution and well bacteriological quality samples collected from January 2012 to February 2013 have tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2011 to February 2013 are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end

1 of the business day on which this is determined, unless the determination occurs after the Department
2 office is closed, in which case the supplier shall notify the Department within 24 hours of the
3 determination. The water supplier shall also notify the consumers served by the water system. A Tier 2
4 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A
5 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section
6 64463.1."

7 DETERMINATIONS

8 Based upon the above Statement of Facts and Authorities, the Department determines
9 that the Water System has violated the following:

- 10 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated
11 the total coliform MCL for November 2011 when more than one sample
12 collected in November 2011, tested positive for total coliform bacteria.

13 The above violation is classified as a non-continuing violation.

14 DIRECTIVES

15 CLM – Main Dam – Pioneer Point Water System is hereby directed to take the
16 following actions:

- 17 1. Cease and desist from failing to comply with Section 116555(a) of the
18 California Health and Safety Code (CHSC) and Section 64426.1(b)(2) of Title
19 22, California Code of Regulations (CCR).
20
21 2. The Water System shall reimburse the Department, in accordance with an
22 invoice that shall be provided to the Water System, the costs for enforcement
23 activities, and such reimbursement shall be made prior to September 1 (or by a
24 different date if specified by the Department) of the fiscal year following the
25 fiscal year in which such costs are incurred as described in CHSC Section
26 116577(a)(1-2) and 116577(b).
27

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon CLM-Main Dam – Pioneer Point Campground, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and CLM-Main Dam – Pioneer Point Campground shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred

1 dollars)for each day that the violation continues beyond the date set for correction in
2 this Citation.

3
4 The Department does not waive any further enforcement action by issuance of this
5 citation, and expressly reserves the right to issue a citation with penalties for the
6 violations on which the Directives of this citation are based.

7
8
9 April 9, 2013
10 Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

11
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13 **Attachments**

14 Attachment A: Bacteriological Summary January 2011 through February 2013

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16 cc: Kern County Environmental Health Services Department (w/o attachments)

17
18
19 JSD/an/kre

ATTACHMENT A

CLM - Main Dam/Pioneer Point Campground

1503206

Distribution System Freq: SPEC

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
5/9/2011	11:00	Pioneer Point Tan	A	A		Other			
5/9/2011	11:05	Pioneer Point #2	A	A		Routine			
5/9/2011	11:07	Pioneer Point #64	A	A		Routine			
5/9/2011	11:10	Pioneer Point #7	A	A		Routine			
5/9/2011	11:12	Pioneer Point #36	A	A		Routine			
5/9/2011	11:15	Pioneer Point #28	A	A		Routine			
5/23/2011	7:15	Pioneer Point #21	A	A		Routine			
5/23/2011	7:20	Pioneer Point #64	A	A		Routine			
6/6/2011	10:12	Pioneer Point #2	A	A		Routine			
7/6/2011	7:00	Pioneer Point #36	A	A		Routine			
8/1/2011	6:10	Pioneer Point #28	A	A		Routine			
9/11/2011	17:10	Pioneer Point #71	A	A		Routine			
10/3/2011	6:40	Pioneer Point #51	A	A		Routine			
11/7/2011	6:00	Pioneer Point #2	P	A		Routine			
11/8/2011	3:13	Pioneer Point #2	P	A		Repeat		MCL	Citation No. 03-19-13C-010 issued.
11/8/2011	3:17	Pioneer Point #28	P	A		Repeat			
11/8/2011	3:19	Pioneer Point #36	P	A		Repeat			
11/8/2011	3:22	Pioneer Point #51	P	A		Repeat			
11/21/2011	7:25	Pioneer Point Tan	A	A		Other			
11/21/2011	7:37	Pioneer Point #2	A	A		Routine			
11/21/2011	7:41	Pioneer Point #28	A	A		Routine			
11/21/2011	7:44	Pioneer Point #36	A	A		Routine			
11/21/2011	7:48	Pioneer Point #51	A	A		Routine			
11/21/2011	7:53	Pioneer Point #21	A	A		Routine			
12/5/2011	7:05	Pioneer Point #51	A	A		Routine			
12/5/2011	7:08	Pioneer Point #36	A	A		Routine			
12/5/2011	7:12	Pioneer Point #28	A	A		Routine			
12/5/2011	7:15	Pioneer Point #2	A	A		Routine			
12/5/2011	7:15	Pioneer Point #60	A	A		Routine			
1/9/2012	7:40	Pioneer Point #2	A	A		Routine			
2/6/2012	7:10	Pioneer Point Site	A	A		Routine			
3/11/2012	3:10	Pioneer Point #28	A	A		Routine			
4/2/2012	6:20	Pioneer Point #71	A	A		Routine			
5/7/2012	11:24	Pioneer Point #21	A	A		Routine			
6/11/2012	7:53	Pioneer Point Site	A	A		Routine			
7/9/2012	7:15	Pioneer Point #21	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
8/12/2012	13:40	Pioneer Point #28	A	A		Routine			
9/10/2012	6:00	Pioneer Point #71	A	A		Routine			
10/1/2012	7:30	Pioneer Point #51	A	A		Routine			
11/4/2012	15:30	Pioneer Point #2	A	A		Routine			
12/3/2012	7:15	Pioneer Point #2	A	A		Routine			
1/20/2013	13:00	Pioneer Point #2	A	A		Routine			
2/4/2013	7:35	Pioneer Point	A	A		Routine			

CLM - Main Dam/Pioneer Point Campground

1503206

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
5/9/2011	10:50	Well 01	A	A			
11/7/2011	6:00	Well 01	A	A			
11/8/2011	3:10	Well 01	P	A			
11/21/2011	7:15	Well 01	A	A			
